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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,603	08/04/2003	John Francis Baxter JR.	21901	1602
21901	7590	02/06/2006	EXAMINER GORT, ELAINE L	
SMITH & HOPEN PA 15950 BAY VISTA DRIVE SUITE 220 CLEARWATER, FL 33760			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7 and 31-35, drawn to a method of presenting purchasing information on a DVD, classified in class 705, subclass 27.
- II. Claims 8-24, drawn to computer software for creating video menu structures on a DVD, classified in class 360, subclass 135.
- III. Claims 25-29, drawn to a method of generating pre-production revenue for DVD video content, classified in class 705, subclass 14.
- IV.. Claims 30, drawn to a method of distributing DVDs, classified in class 705, subclass 10.

The inventions are distinct, each from the other because of the following reasons:

Inventions I., II. III. and IV. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I. has separate utility such as allowing users of the DVD to obtain data on advertised goods. See MPEP § 806.05(d).

Inventions I., II. III. and IV. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II. has separate utility such as allowing the production of a promotional DVD. See MPEP § 806.05(d).

Inventions I., II. III. and IV. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III. has separate utility such as allowing revenue to be generated for advertising on a DVD. See MPEP § 806.05(d).

Inventions I., II. III. and IV. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV. has separate utility such as allowing the targeting of users for specific and varied advertising. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above, because the search required for each Invention is not required for the other Inventions, and because the inventions have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

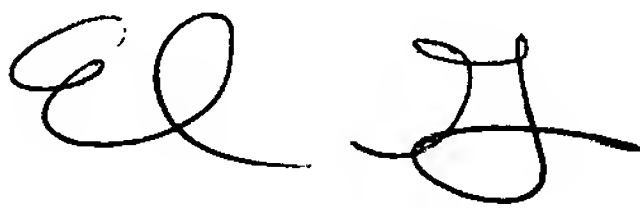
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Elaine Gort', with a stylized flourish at the end.

Elaine Gort
Examiner
Art Unit 3627

February 3, 2006